

CASE TX/4-100-6403R  
(167-43)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1654

CAVANAK ET AL.

Examiner: Russel, Jeffrey E.

APPLICATION NO: 10/790,543

FILED: MARCH 1, 2004

FOR: NOVEL CYCLOSPORIN GELENIC FORMS

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on February 19, 1997 at Reel/Frame 008361/0321.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer of U.S. Patent No. 5,652,212. Said U.S. Patent is also assigned to Novartis AG by virtue of said assignment and of an assignment which was recorded in the United States Patent and Trademark Office on February 19, 1997 at Reel/Frame 008361/0321.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and said patent are

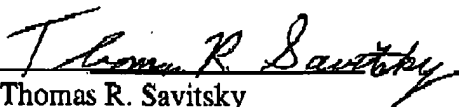
commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of U.S. Patent No. 5,652,212 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 9<sup>th</sup> day of February, 2006 by the undersigned attorney of record.

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7859

  
Thomas R. Savitsky  
Attorney for Applicants  
Reg. No. 31,661



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FEE LETTER

Sir:

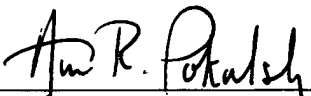
Enclosed herewith is a Terminal Disclaimer in the above-identified application.

Also enclosed is a check in the amount of \$130.00 to cover the fee under 37 CFR §1.20(d).

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 04-1121 in the name of Dilworth and Barrese. An additional copy of this paper is here enclosed.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080

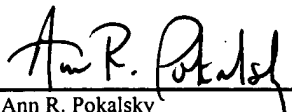
  
Ann R. Pokalsky  
Attorney for Applicants  
Reg. No. 34,697

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 10, 2006.

Dated: February 10, 2006

  
Ann R. Pokalsky